



**STATE OF TENNESSEE
BUREAU OF TENNCARE
DEPARTMENT OF FINANCE & ADMINISTRATION
310 Great Circle Road
NASHVILLE, TENNESSEE 37243**

FREQUENTLY ASKED QUESTIONS ABOUT ESTATE RECOVERY

WHAT IS TENNCARE (MEDICAID) ESTATE RECOVERY?

The State of Tennessee is required by federal and state law* to recover for any funds expended by TennCare (Medicaid), up to the total amount paid by TennCare (Medicaid), on behalf of individuals age 55 and older.

WHOSE ESTATE IS SUBJECT TO TENNCARE (MEDICAID) RECOVERY?

Any person age 55 and older for whom TennCare has paid for nursing facility services or care received from Home and Community Based Services. If the estate is not being probated, you do not have to provide the probate court information but you must obtain a release of TennCare's claim prior to disbursement of funds and/or assets.

HOW DO I FIND OUT IF THE ESTATE OWES MONEY TO TENNCARE (MEDICAID)?

The Bureau of TennCare requires that you complete a Request for Release Form and provide all requested documentation. If it is determined that no money is owed to the Bureau of TennCare, or that the estate of the deceased TennCare (Medicaid) enrollee is not subject to estate recovery, a release will be provided. However, if it is determined that the estate is subject to estate recovery, a TennCare (Medicaid) claim will be filed against the estate of the deceased TennCare (Medicaid) enrollee to inform the estate representative/attorney of the amount owed to TennCare (Medicaid) for nursing home facility services and/or Home and Community Based Services. The TennCare (Medicaid) claim must then be satisfied to obtain a release.

WHAT ARE THE EXEMPTIONS FROM ESTATE RECOVERY?

If there is a surviving spouse, TennCare will not recover from the estate until the time of the surviving spouse's death if:

1. The surviving spouse requests an exemption; and
2. The surviving spouse provides documentation of proof of marriage.

If there is a minor child under the age of 18, TennCare will not recover from the estate until the minor child reaches the age of 18 if:

1. The child or the child's representative requests an exemption to recovery; and
2. The child or the child's representative provides a copy of the child's birth certificate as proof of relationship.

If there is a disabled child who became disabled prior to the age of 18, TennCare will not recover from the estate until the death of the disabled child if:

1. The disabled child or the disabled child's representative requests an exemption; and
2. The disabled child or the disabled child's representative provides a copy of the social security disability determination proving disability and onset prior to the age of 18; and
3. The disabled child or the disabled child's representative provides a copy of a birth certificate proving relationship.

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WHERE DO I OBTAIN MORE INFORMATION?

Contact: **Bureau of TennCare**
 Estate Recovery Unit
 310 Great Circle Road
 Nashville, TN 37243
 Telephone: 1-866-389-8444
 FAX: (615) 413-1941

“REQUEST FOR RELEASE” forms may be received upon written request by mail or fax or a copy may be obtained from your local Probate Clerk or this internet site.

*Estate recovery was enacted by 42 U.S.C. § 1396p, effective October 1, 1993, by T.C.A. § 71-5-116 in 1968, and by the “Old Age Assistance Act” in 1937.